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Claim Amendments

The claims have been amended to specify that the saccharides are conjugated to a carrier protein. Support for this claim amendment is found in the specification, for example, at page 4, line 5.

In addition, claim 1 has been amended to specify a level of O-acetylation at the C-7 position from $\leq 29\%$ to 2-9% and a level of O-acetylation at the C-9 position from $\geq 26\%$ to 35-55%. Similarly, claim 2 has been amended to specify a level of O-acetylation at the C-7 position from $\leq 9\%$ to 2-9% and a level of O-acetylation at the C-9 position from $\geq 29\%$ or $\leq 27\%$ to 35-55%. Claim 27 has been amended to specify a level of O-acetylation at the C-9 position increases to 35-55%. Support for these amendments is found in the specification, for example, at page 4, lines 5-10.

Corresponding amendments have been made to claims 5, 8, 9, 11 and 26 based on page 4, lines 5-10 and page 5, lines 23-30 of the specification. Dependent claims 3 and 4 have been amended to refer to preferred ranges disclosed at page 4, lines 5-10 of the specification.

Claim 19 has been amended to recite that the serogroup A antigen is a modified saccharide in which one or more of the hydroxyl groups on the native saccharide has/have been replaced by a blocking group. Support for this amendment is found in the specification, for example, at page 17, lines 12-14.

Claims 10, 24 and 26 have been cancelled.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

Reply to Restriction Requirement

Responsive to the Restriction Requirement, Applicant provisionally elects the claims of Group I (claims 1-12), drawn to acetylated meningococcal capsular

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saccharide conjugates and compositions comprising such, for continued examination, with traverse. The Examiner has asserted that WO03/007985 anticipates claim 1. However, the Examiner has not provided any explanation as to why WO03/007985 anticipates claim 1.

The amended claims are novel over WO03/007985 because the cited reference does not disclose the meningococcal strains that were used in the purification protocol. Different strains of Men-W135 and Men-Y bacteria have different degrees of native O-acetylation, with some strains even being non-O-acetylated ('O-Ac-'). A process is defined by both its starting materials and its process steps and, although the process steps in WO03/007985 and the present examples may be the same, the starting materials in WO03/007985 (i.e., the meningococcal strains) are not disclosed - no strain names, no deposit details, and no mention of their O-acetylation status. In the absence of this detail, the skilled artisan would not conclude that the Men-W135 and Men-Y saccharides of WO03/007985 would have the claimed levels of O-acetylation at their 7- and/or 9- positions.

In contrast to WO03/007985, the present application defines a target to aim at. The skilled artisan is instructed to obtain a Men-W135 or Men-Y saccharide with a specific range of O-acetylation at the 7- and/or 9- position. Therefore, unlike WO03/007985, a skilled artisan aiming to repeat the present disclosure will select an appropriate starting strain (e.g., the OAc⁺ strains at page 27, line 5 of the specification) and, during purification and conjugation, will select conditions that provide a product within these ranges and/or will retain only fractions that meet these requirements. Thus, unlike WO03/007985, the end product will be reliably and reproducibly within the claimed. Thus, the claims are linked by a novel special technical feature because the art raised by the Examiner does not teach a Men-W135 or Men-Y saccharide with a specific range of O-acetylation at the 7- and/or 9- position. Applicants therefore respectfully request that the Examiner withdraw the lack of unity restriction.

Responsive to the Species Requirement, Applicant elects serogroup W135. Claims 1, 3-8, 11-23, 25 and 27 are readable on the elected species.

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Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter.

Respectfully submitted,

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